

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA)

v.)

Case No. 14-4204 (L)
14-4366

KAMAL ZAKI QAZAH)

NASSER KAMAL ALQUZA)

**UNOPPOSED MOTION TO SUSPEND BRIEFING SCHEDULE
UNTIL PRODUCTION OF TRANSCRIPT**

Comes now Appellant Alquza, by and through counsel, and with consent of the government and counsel for co-defendant Qazah, to respectfully move for the briefing schedule to be suspended so that the transcript from the January 18, 2013 hearing may be produced. Furthermore, counsel proposes that the opening brief and joint appendix be filed 14 days after receipt of the January 18, 2013 transcript. In support of the motion, Mr. Alcuza shows the following:

1. This case is an appeal from a trial and convictions for conspiracy to transport and receive stolen property, receiving stolen property, conspiracy to commit money laundering, and money laundering. Mr. Qazah was sentenced to a term of 216 months. Mr. Alquza was also sentenced to a term of 108 months. They timely appealed. The brief and joint appendix are now due to be filed on October 22, 2014, having been extended by this Court.

2. Counsel believed he was in possession of all relevant transcripts. However, after meeting with Mr. Alcuza yesterday at FCI Estill, counsel discovered that the January 18, 2013 hearing has not been transcribed.

3. The January 18, 2013 transcript is needed before counsel files the opening brief. At issue in the January 18, 2013 transcript are the legal arguments and an oral order on a motion to suppress the fruits of the search done on Mr. Alcuza's residence in Mt. Pleasant, SC. Many of the items seized from Mr. Alcuza's house were introduced at trial as 404(b) evidence.

4. The affidavit in support of the search warrant contained inaccuracies. On a motion to return seized property, the federal magistrate in Charleston SC found the search warrant to be invalid. The defense filed a motion to suppress at ECF 227. The government opposed the motion at ECF 236. The trial court heard argument and issued an oral order denying the suppression motion on January 18, 2014. The text order reads, "For the reasons stated in open court on January 18, 2013...[the] Motion to Suppress is hereby denied." ECF, dated January 18, 2013.

5. Mr. Alcuza requests that his counsel raise on appeal the denial of a suppression motion. To properly evaluate the legal issue and to advise Mr. Alcuza, counsel must review the January 18, 2014 transcript.

6. Earlier today counsel emailed the court reporter, who is now retired, to request the transcript.

7. Counsel has also communicated with opposing counsel, Assistant United States Attorney Amy E. Ray, and with co-defendant counsel, M. Gordon Widenhouse, Jr. They have no opposition to suspending the briefing schedule and setting the opening brief for 14 days after the production of the January 18, 2013 transcript.

8. Suspending the briefing schedule and setting the appellants' brief and joint appendix for 14 days after the production of the transcript will best serve the interests of justice. The undersigned does not intend to seek any further extensions of time, and this request will not delay this Court's orderly disposition of this appeal.

WHEREFORE, Nasser Kamal Alquza respectfully requests that this Court suspend the briefing schedule and set the time for filing the opening brief and joint appendix for 14 days after the production of the January 18, 2013 transcript.

RESPECTFULLY submitted this 16th day of October, 2014.

s/ Christopher W. Adams
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Attorney for Nasser Alquza

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of October, 2014, I electronically filed the foregoing document with the Clerk of Court using the ECF system that will automatically send e-mail notification of such filing to all parties of record.

/s/ Christopher W. Adams

Christopher W. Adams

Attorney for Nasser Alquza